

## 1

We concur: HULL, J.  
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
MONDAY, AUGUST 9, 1999 CONTINUED**

2

Crim. THE PEOPLE  
No. v.  
C029906 BRETT SPENCER GRANT  
BY THE COURT:

On the court's own motion the opinion filed on June 7, 1999, is vacated, and the appeal is reinstated. The clerk of the court is directed to re-file the opinion concurrently with this order.

Dated: August 9, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C029906 BRETT SPENCER GRANT

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.  
MORRISON, J.

Juvenile In re CARL C., a Person Coming Under the Juvenile Court Law.  
No. THE PEOPLE (Not for Publication)  
C030642 v.  
CARL C.

The finding the minor committed theft, count II, is dismissed and the juvenile court is directed to amend its records to so reflect. In all other respects, the findings and orders of the court are affirmed.

DAVIS, J.

We concur: SCOTLAND, P.J.  
NICHOLSON, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
MONDAY, AUGUST 9, 1999 CONTINUED**

3

Civil            In re the Marriage of DEBBIE AND JAMES SUTTON  
No.            DEBBIE SUTTON            (Not for Publication)  
C030767       v.  
                 JAMES PRESTON SUTTON

The judgment (order) is affirmed. Wife shall receive her costs on appeal.

SIMS, Acting P.J.

We concur:            MORRISON, J.  
                                 HULL, J.

Civil            STELLA BRYANT            (Not for Publication)  
No.            v.  
C027024       COUNTY OF SACRAMENTO

The appeal is dismissed as moot.

SCOTLAND, P.J.

We concur:            NICHOLSON, J.  
                                 HULL, J.

WEDNESDAY, AUGUST 11, 1999

Civil            PETER PATERNO et al.  
No.            v.                            (Certified for Partial Publication)  
C013846       STATE OF CALIFORNIA et al.  
Civil            PETER PATERNO et al.

No.            v.  
C016505       STATE OF CALIFORNIA et al.  
Civil            PATERNO et al.

No.            v.  
C019267       STATE OF CALIFORNIA et al.

The judgment is reversed with directions to the trial court to forward this opinion to the Judicial Council for assignment of a new trial judge to oversee this coordinated proceeding. The new judge is directed to conduct further proceedings consistent with this opinion. Defendants shall recover costs on appeal.

MORRISON, J.

We concur:            SIMS, Acting P.J.  
                                 CALLAHAN, J.

## 4

SIERRA CLUB et al.  
v.  
COUNTY OF PLACER  
TARGET STORES et al.  
BY THE COURT:

In re ROBERT R., a Person Coming Under the Juvenile Court Law.  
SAN JAOQUIN COUNTY HUMAN SERVICES AGENCY  
v. (Not for Publication)  
ROBERT R.

THE PEOPLE (Not for Publication)  
v.  
PHILLIP CHARLES COUCH

We concur:           SIMS, Acting P.J.  
                                  RAYE, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
WEDNESDAY, AUGUST 11, 1999 CONTINUED**

5

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C029354 ANTHONY DELGADO

The judgment is affirmed.

CALLAHAN, J.

I concur: MORRISON, J.

I concur in the result

RAYE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028968 LONNIE LANARD JOHNSON

The judgment is affirmed.

Blease, Acting P.J.

I concur: RAYE, J.

I concur:

No reversible error occurred, however, the jury was misled. Justice is almost always better served when the jury hears the truth. (See *People v. Harris* (1998 60 Cal. App. 4<sup>th</sup> 727, 733.)

MORRISON, J.

Civil JACK D. TAYLOR (Not for Publication)  
No. v.  
C030223 PAT L. CABEZUD

The judgment. Ms. Cabezud shall recover her costs on appeal. (Cal. Rules of Court, rule 26 (a).) Her claim for attorney fees on appeal shall be determined by motion made in the trial court under rule 870.2. (Cal. Rules of Court, rule 26 (a) (4) .)

KOLKEY, J.

We concur: SIMS, Acting P.J.  
MORRISON, J.

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
WEDNESDAY, AUGUST 11, 1999 CONITNUED**

6

Crim. THE PEOPLE  
No. v.  
C028086 ALFRED ANTHONY GARCIA et al.  
THE COURT:

It is ordered that the opinion filed herein on July 28, 1999, be modified in the following particulars:

...

There is no change in judgment.

Appellant Garcia's petition for rehearing is denied.

BY THE COURT:

SCOTLAND, P.J.

BLEASE, J.

KOLKEY, J.

THURSDAY, AUGUST 12, 1999

Civil LORI LARGENT  
No. v.  
C030614 GOLDEN STATE COACHES, INC. et al  
GREGORY LYNN FULLER  
BY THE COURT:

Pursuant to the written request of the appellants, the appeal filed September 8, 1998, is dismissed only as to defendant, cross-complainant and respondent Gregory Lynn Fuller. It is further ordered that the parties bear their own costs and attorney fees on appeal and the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

The dismissal does not affect the remainder of the appeal.

Dated: August 12, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028016 MICHAEL LEON HOLMAN  
The judgment is affirmed.

Morrison, j.

We concur: BLEASE, Acting P.J.  
SIMS, J.

## 7

We concur:           BLEASE, Acting P.J.  
                              RAYE, J.

We concur:               SIMS, Acting P.J.  
                                     HULL, J.

We concur:               SIMS, Acting P.J.  
                                     HULL, J.

We concur:           NICHOLSON, J.  
                                  MORRISON, J.

